

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 17-11792-RGS

MARKEESE MITCHELL

v.

STEVEN SILVA

ORDER ON THE REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE

July 1, 2019

STEARNS, D.J.

I agree in all particulars with Magistrate Judge Boal's carefully reasoned Report and with her Recommendation that Markeese Mitchell's request to stay his Petition for Writ of Habeas Corpus in order to exhaust an additional state court claim be denied.¹ As Magistrate Judge Boal explains in the Report, petitioner's request for a stay "is futile as because any amendment to add the new claim would not relate back to the date of the Petition" and would be barred by the statute of limitations." R. & R. at 5. In any event, Mitchell has not demonstrated "good cause" for his failure to exhaust the juror bias claim.

¹ The court notes that any objections to the Report and Recommendation were due no later than June 26, 2019.

Consequently, the Recommendation is ADOPTED, and Mitchell's motion for a stay is DENIED.

SO ORDERED.

/s/ Richard G. Stearns
UNITED STATES DISTRICT JUDGE